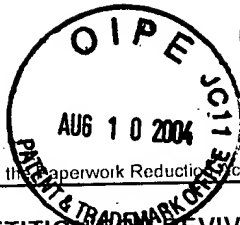


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PTO/SB/61 (11-03)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

24461-003 CPA

First Named Inventor: WEIGLHOFER, G. Art Unit: 2772

Application Number: 09/199,888

Examiner: Phu K Nguyen

Filed: November 24, 1998

Title: 3-D STEREO REAL-TIME SENSOR SYSTEM METHOD AND
COMPUTER PROGRAM THEREFOR

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by
the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the
period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27. WAIVER OF FEE REQUESTED

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
CPA (identify the type of reply):

☒ has been filed previously on December 18, 2000

☐ is enclosed herewith.

B. The issue fee of \$ _____

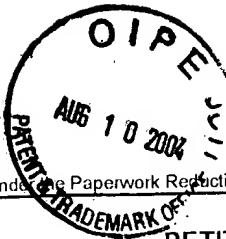
☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Aug. 10, 2004
Date

Jacques M. Dulini
Signature

360 681-7305
Telephone Number

JACQUES M. DULINI

Typed or printed name

Innovation Law Group LTD.

224 W. WASHINGTON ST.

Address

24, 067
Registration Number, if applicable

NET PORT CENTER, Suite 201
SEQUIM, WA 98382-3338

Address

- Enclosure ☐ Fee Payment
☐ Reply
☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☒ CHANGE FEES IF ANY TO DEPOSIT ACCOUNT 04-1699; fee
waiver requested!

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail EL994 805 361 45

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

Aug. 10, 2004 (38 pgs.)
Date

Jacques M. Dulini
Signature

Jacques M. Dulini

Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Aug. 10, 2004
Date

Jacques M. Dulin
Signature

24,067
Registration Number, if applicable

JACQUES M. DULIN
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

(SEE ATTACHED)

(Please attach additional sheets if additional space is needed.)

First Named Inventor: Weiglhofer, Gerhard)
)
Title: 3 D Stereo Real-Time Sensor System,)
Method and Computer Program)
Therefor)

Attorney Docket: 24461-003CPA)

Application No. 09/199,888

Filing Date: Nov. 24, 1998
(Parent)

CPA: Dec. 18, 2000

Examiner: Phu K. Nguyen

Phone: (703) 305-9796

Group Art Unit: 2671

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137 (a)
(Attachment to Page 3)**

The delay is due to the USPTO improperly abandoning a CPA Application in June 200. In lieu of paying the Issue Fee for this Application due Jan. 2, 2001, Applicants filed a CPA Application on December 18, 2000 in order to bring to the attention of the Examiner references cited in the EP Search Report in connection with the parent priority application. A copy of the CPA Application, the IDS filed the same day, copy of the Formal Drawings filed March 21, 2001 and copy of the Supplemental IDS filed June 28, 2001 are attached.

Examiner Nguyen on August 6, 2004 confirms that the PTO record shows receipt on December 18, 2000 of the CPA and the IDS. The Supplemental IDS is shown as entered July 21, 2001. However, apparently the PTO issued a Notice of Abandonment for failure to pay the Issue Fee, dated June 18, 2001. It should not have been issued in view of the timely CPA filing and was missent to undersigned counsel c/o Heller Ehrman White & McAuliffe in Palo Alto, CA who did not attempt to forward it until March 2002 to undersigned.

When received on March 9, 2002 it was misunderstood as being irrelevant, being superceded by the CPA, and the express abandonment of the parent case at the time of filing the CPA.

The case was unavoidably dropped from counsel's docket due to a hard-drive crash; partial data was recovered some 6 months later; it appears that data on this case was not recovered.

Applicants believe that no fee is due as the abandonment is due to PTO error in issuing The Notice of Abandonment, in spite of PTO records clearly showing a CPA was timely filed. Indeed, undersigned counsel recalls having called the Examiner at the time of filing the CPA to advise him of it.

In addition, Applicants request an extension of 3 ½ years to the patent term upon issuance of this application as a patent.

In the event this case is ruled to not be unavoidably abandoned, please treat this as a Petition to Revive Unintentionally Abandoned Application and charge the fee due (small entity), less any amount for this petition if credit is allowed, to Deposit Account 04-1699.

*Jacques McAuliffe -
Reg 24,067
Counsel for Applicants*



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

First Named Inventor: **Weiglhofer, Gerhard**)

Application No. **09/199,888**

Title: **3 D Stereo Real-Time Sensor System,**)
Method and Computer Program)
Therefor)

Filing Date: **Nov. 24, 1998**

(Parent)

CPA: **Dec. 18, 2000**

Attorney Docket: **24461-003CPA**)

Examiner: **Phu K. Nguyen**

Phone: **(703) 305-9796**

Group Art Unit: **2671**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137 (a)**

Cover Sheet - List of Attachments

1. CPA Request, 4 pages
2. Copy of Notice of Allowance, 1 page
3. IDS, 2 pages
1449, 1 page
4. Check for CPA \$435 & Postcard, 1 page
5. Express Mail label EL 693 202 980 US, 1 page
6. Submission of Formal Drawings, 12 pages
7. Returned Postcard for Drawings, 1 page
8. Supplemental IDS, 9 pages
9. Notice of Abandonment, 1 pg.

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AUG 16 2004

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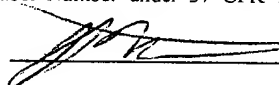
Patent Application Of:)	Prior Application No.: 09/199,888
Gerhard WEIGLHOFFER et al)	Allowed: October 02, 2000
	)	Batch No.: T11
Title: 3D STEREO REAL-TIME SENSOR)	
SYSTEM, METHOD AND COMPUTER	)	Filing Date: November 24, 1998
PROGRAM THEREFOR)	
	)	Grp Art Unit: 2772
Attorney Docket No.: 24461-003CPA	)	Examiner: Phu K. Nguyen
	)	Phone: 703-305-9796

Certification under 37 CFR 1.10

Mailing Date: **December 18, 2000**Express Mail Label No.: **EL 693 202 980 US**

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under the above Label Number under 37 CFR 1.10, on the above stated date addressed to:

Assistant Commissioner for Patents, Washington, D.C. 20231.

Name: **Joel Gat**Signature: **SNO86202E6973****BOX CPA**

The Assistant Commissioner for Patents

The United States Patent and Trademark Office

Washington, DC 20231

**CONTINUED PROSECUTION APPLICATION
REQUEST UNDER 37 C.F.R. §1.53(d)**

Dear Sir:

This is a request for the filing of a continuation application under the Continued Prosecution Application Procedure, 37 C.F.R. §1.53(d) of the following parent application from which the present application claims benefit under 35 U.S.C. §120.

Please note the parent application was allowed on October 2, 2000 (Batch No T11), but that the Issue Fee, presently due January 2, 2001, has not been paid. Applicants elect to proceed with this CPA to consider references cited in the priority case's EP Search Report and will not be paying the Issue Fee until after allowance of this CPA. No abandonment of the subject matter of this and the parent case is intended.

Prior Application:

Application No:	09/199,888
Allowed:	October 02, 2000
Batch No.:	T11

Filing Date: **November 24, 1998**

Inventors (as filed): **Gerhard WIEGLHOFER**

Title (as filed): **3D STEREO REAL-TIME SENSOR SYSTEM,
METHOD AND COMPUTER PROGRAM THEREFOR**

Total Pages, as filed: **43** (inc. specification, claims, abstract, and drawing sheets)

Papers filed herewith:

- ☒ Information Disclosure Statement (IDS) (37 CFR 1.56, 1.97 and 1.98)
- ☒ Copies of the IDS citations are enclosed.
- ☒ PTO Form 1449 with IDS citations.
- ☐ Preliminary Amendment
- ☐ Assignment of Inventors and Assignment Recordation Cover Sheet
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ A small entity statement is enclosed.
- ☒ **Return postcard**
- ☒ **Check No. 1131 for fees.**

Further Instructions and Information:

- ☒ In addition to the provided IDS, please use any IDS and the references previously cited by or submitted to the PTO in the prior application.
- ☐ Please enter the un-entered amendment previously filed on _____ under 37 CFR 1.116 in the prior application.
- ☐ Please delete the name(s) of the following person(s) named as inventor(s) in the prior application:
- ☒ Small entity status:
 - ☒ A small entity statement was filed in the prior application and such status is still proper and desired.
 - ☐ Is no longer claimed.
- ☒ The prior application is assigned to **3-D Image Processing GmbH.**

- ☒ Applicants claim priority under 35 U.S.C. §§ 119(a) and 365(b) of the following foreign Applications:

Germany, P 197 52 047.2 Filed 24 November 1997

Germany, P 198 51 993.1 Filed 11 November 1998

Please address all future written and telephone communication to:

Jacques M. Dulin, Esq., Reg. No. 24,067
Innovation Law Group, Ltd.
851 Fremont Ave., Suite 101
Los Altos, CA 94024
Phone: (650) 947-7287
Fax: (650) 947-7280

Fee Payment and Deposit Account Authorization

Applicant is a:

☒ Small Entity

☐ Large entity.

The filing fee is calculated below:

Basic Filing Fee (\$355/710):	\$355
Total claims 20-20=0 (\$9/18 each):	\$0
Independent claims: 5-3=2 (\$40/80 each)	\$80
Multiple dependent claims: 0 (\$135/270 each)	\$0
Fee for extension of time in prior application:	\$0
Recordation of Assignment: (@ \$40 each application)	\$0
TOTAL FEE DUE:	<u>\$435</u>

☒ The filing fee is being paid by the enclosed check #1131 in the amount of \$435.

☐ Please charge Deposit Account No. 04-1699 in the amount of \$ ____ to cover the above fees, and charge any additional fees or credit any overpayments to that account. A duplicate copy of this sheet is enclosed.

☐ The filing fee will be paid timely in response to a 1533 Notice of Missing Parts.

[X] Any extension of time necessary to insure copendency of this CPA case with its parent, and the filing fee and any surcharge under 37 CFR 1.16, any patent application processing fees under 37 CFR 1.17 and patent issue fees under 37 CFR 1.18 are intended to be paid by our firm as they arise. As no abandonment is intended by any inadvertent nonpayment of fees, the Commissioner is hereby authorized to charge payment of such fees as from time to time come due, if not paid prior to due date, to our Deposit Account No. 04-1699.

It is requested and understood that this application under 37 C.F.R §1.53(d) will use the file jacket and contents, including specification, drawings, and oath or declaration, of the prior application, and will be assigned the same application number. This application discloses and claims only subject matter disclosed in the prior application.

Please abandon the prior application at the filing date accorded to this new application, said abandonment being at a time while the prior application is pending or when any request for extension of time or petition to revive in that prior application is granted, so as to make this new application co-pending with said prior application.

The examiner is invited to contact undersigned counsel to discuss any prosecution issues that may arise in the consideration of the IDS references, filed of even date herewith.

Date: Dec 18, 2000

Innovation Law Group, Ltd.
851 Fremont Ave., Suite 101
Los Altos, CA 94024
Phone: (650) 947-7287
Fax: (650) 947-7280

Respectfully submitted,
Gerhard WEIGLHOFER, et al

Jacques M Dulin
Jacques M. Dulin, Esq.
Attorney for Applicants
Registration No. 24,067

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with appropriate fees, to:

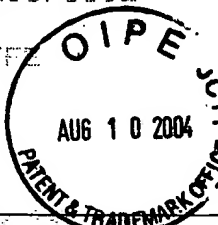
Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231RECEIVED
OCT 16 2000

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

JACQUES M. DULIN
HELLER EHRMAN WHITE & MCAULIFFE
500 UNIVERSITY AVENUE
PALO ALTO CA 94301-1000

LM61/1002



Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first-class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
00111000	11/21/99	020	NGUYEN, P	2772 10/02/00
First Named Applicant	WEIGLHOFFER, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION 3D STEREO REAL TIME SENSOR SYSTEM, METHOD AND COMPUTER PROGRAM THEREFOR

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	2100 320006	343 418.000	T11 UTILITY	YES	\$620.00	01/02/01

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY & STATE OR COUNTRY)

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☐ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☐ Issue Fee☐ Advance Order - # of Copies _____

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER _____
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order - # of Copies _____

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)	Attorney Docket No.	24461-003CPA
Gerhard WEIGLHOFER, et al.	)	Group Art Unit:	2772
Title: 3D STEREO REAL-TIME SENSOR)	)	Examiner:	Phu K. Nguyen
SYSTEM, METHOD AND COMPUTER)	)	Telephone:	703-305-9796
PROGRAM THEREFOR	)	Date of Mailing:	December 18, 2000
Serial No.: 09/199,888)		
Parent Filed: November 24, 1998)		
CPA Filed: December 18, 2000)		

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

Applicants wish to disclose the following information:

REFERENCES

- [X] The Applicants wish to make of record the references listed on the attached Form PTO-1449. Copies of the listed references are attached, where required.
- [X] The Applicants wish to make of record the references cited in the Search Report for EP 98 122 061.9. Copies of the Search Report and references are attached.
- [X] One reference, DE 197 35 414 A1, is in German. The EP Search Report viewed this reference in Categories P and X, P meaning that the document was published before the filing date but later than the priority date claimed and X meaning that the document is of particular relevance because the claimed invention may not be novel taking this document into consideration. In order to assist the Patent Office, Applicants herewith provide a copy of the corresponding US patent, US 5,874,904, issued February 23, 1999, filed August 8, 1997 and entitled "INTER-VEHICULAR DISTANCE MEASUREMENT APPARATUS."

RELATED CASES

- [X] This Application is a CPA of US Patent Application 09/199,888, filed November 24, 1998.

CERTIFICATION

The undersigned certifies that:

- [X] No Office Action has been received in this CPA case.

- [X] The references disclosed herein were not previously disclosed during the prosecution of the original application. The parent application is being converted to a CPA concurrently herewith, in order to present the references listed in the attached 1449 that were cited in the EP search report of the priority application of this case. That search report is dated May 28, 1999, but was provided to Applicants' counsel only recently, after allowance in the Parent application.

FEE PAYMENT

- [X] **It is thought that no fee is due for the papers being filed herewith.**
- [] Enclosed is a check in the amount of \$_____ for the fees due under §1.17(p) for the papers being filed herewith.
- [] Please charge Deposit Account No. 04-1699 in the amount of \$_____ for the fees due under §1.17(p) for the papers being filed herewith. A duplicate of this sheet is enclosed.
- [X] If the fees as submitted above are not correct, please charge any additional fees, or credit any overpayment, to Deposit Account No. 04-1699.

Date:

Dec 18, 2000

Respectfully submitted,
Gerhard WEIGLHOFER, et al.

Jacques M Dulin

Jacques M. Dulin, Esq.
Attorney for Applicants
Registration No. 24,067

Innovation Law Group, Ltd.
851 Fremont Ave., Suite 101
Los Altos, CA 94024
Phone: (650) 947-7287
Fax: (650) 947-7280



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"TRANSFORMING IDEAS INTO BUSINESS ASSETS"
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LOS ALTOS, CA 94024
(650) 947-7287

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\$ **435.00

Four Hundred Thirty-Five and 00/100*****

Commissioner of Patents & Trademarks
Washington, D.C. 20231

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included.
Details on

MEMO 24461-003 Government Filing Fee

Michael J. Huisman

⑈001131⑈ ⑆121000497⑆4740003408⑈

Atty Docket No.: 24461-003CPA
CPA Request
Information Disclosure Statement (IDS)
PTO Form 1449 with IDS citations
Copies of seven (7) references.
Return Receipt Postcard
Check #: 1131
Amount of Check: \$435
Express Mail No.: EL 693 202 980 US
Date Mailed: December 18, 2000

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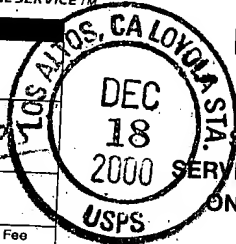
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LOS ALTOS CA 94024-5602**

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7/2/01 RH



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Patent and Trademark Office
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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/199,888	11/24/98	WEILHUBER	Q 24461-000306

JACQUES M DULIN
HELLER EHRMAN WHITE & MCADUFF
525 UNIVERSITY AVENUE
PALO ALTO CA 94301-1900

7542/0618

RECEIVED

JUL 02 2001

HEWM LLP - P.A.

EXAMINER

ART UNIT	PAPER NUMBER
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2671

9

DATE MAILED: 06/18/01

NOTICE OF ABANDONMENT

PREVIOUSLY DOCKETED
as abandoned on 6/18/01
and to be transferred.
EPS

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____
 - ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____
 - ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.

☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____
- ☒ The issue fee has not been received

☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.

☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

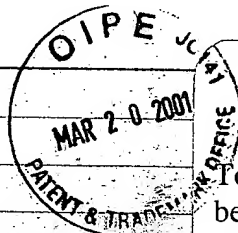
☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380



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Atty Docket No.: 24461-003CPA
Patent App. S/N: 09/199,888
Applicant(s): WEIGLHOFFER, Gerhard
Formal Drawings, 6 figures: 11 Sheets
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Date Mailed: March 16, 2001



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Atty Docket No.: 24461-003CPA
Patent App. S/N: 09/199,888
Applicant(s): WEIGLHOFFER, Gerhard
Formal Drawings, 6 figures: 11 Sheets
Return Receipt Postcard
Date Mailed: March 16, 2001

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Atty Docket No.: 24461-003CPA
Return Receipt Postcard
Supplemental IDS – 2 pgs.
List of References Cited – 1 sheet
Reference – 5 pgs.
Date Mailed: June 28, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	Attorney Docket No. 24461-003CPA
Gerhard WEIGLHOFFER, et al.	)	Group Art Unit: 2772
Title: 3D STEREO REAL-TIME SENSOR)	)	Examiner: Phu K. Nguyen
SYSTEM, METHOD AND COMPUTER)	)	Telephone: 703-305-9796
PROGRAM THEREFOR	)	Date of Mailing: May 14, 2001
Serial No.: 09/199,888)	
Parent Filed: November 24, 1998)	
CPA Filed: December 18, 2000)	

Certification under 37 CFR 1.6

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on June 28, 2001

Name: Melissa Harrison

Signature: Melissa Harrison

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

The December 18, 2000 IDS and Form 1449, filed with the CPA application, references inclusion of the EP Search Report for EP 98 122 061.9. However, Counsel's file does not confirm that it was sent. Accordingly, in order to ensure the completeness of the IDS filings, Applicants disclose and provide a copy of that Search Report information:

REFERENCES

- [X] The Applicants wish to make of record the reference listed on the attached Form PTO-1449.
- [X] The Applicants wish to make of record the Search Report for EP 98 122 061.9, a copy of which is attached.

RELATED CASES

- [X] This IDS and 1449 relate to the above-referenced application, which is a CPA of US Patent Application 09/199,888, filed November 24, 1998.

CERTIFICATION

The undersigned certifies that:

- [X] No Office Action has been received in this CPA case.
- [X] The references disclosed herein were not previously disclosed during the prosecution of the original application. The parent application was converted to a CPA on December

18, 2000, in order to present the references listed in the December 18, 2000 Form 1449 that were cited in the EP search report of the priority application of this case, which is attached herewith, in case it was not attached to the December 18, 2000 IDS and Form 1449. The search report is dated June 23, 1999, but was provided to Applicants' counsel after allowance in the Parent application, and immediately preceding Applicants' filing of the CPA.

FEE PAYMENT

- ☒ **It is thought that no fee is due for the papers being filed herewith.**
- ☐ Enclosed is a check in the amount of \$_____ for the fees due under §1.17(p) for the papers being filed herewith.
- ☐ Please charge Deposit Account No. 04-1699 in the amount of \$_____ for the fees due under §1.17(p) for the papers being filed herewith. A duplicate of this sheet is enclosed.
- ☒ If the fees as submitted above are not correct, please charge any additional fees, or credit any overpayment, to Deposit Account No. 04-1699.

Date: June 28, 2001

Respectfully submitted,
Gerhard WEIGLHOFER, et al.

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Europäisches
Patentamt

Zweigstelle
in Den Haag
Recherchen-
abteilung

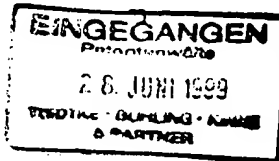
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Patent Office

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division

Office européen
des brevets

Département à
La Haye
Division de la
recherche

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ALLEMAGNE



Datum/Date

23. 06. 1999

Zeichen/Ref./Réf. EP 22927	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 98122061.9
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Weiglhofer, Gerhard	

MITTEILUNG

Das europäische Patentamt übermittelt hiermit

- ☒ den europäischen Recherchenbericht
- ☐ die Erklärung nach Regel 45 EPÜ
- ☐ den europäischen Teilrecherchenbericht nach Regel 45 EPÜ
- ☐ den ergänzenden europäischen Recherchenbericht betreffend die internationale Anmeldung nach Artikel 157(2) EPÜ zu der obengenannten europäischen Patentanmeldung. Kopien der im Recherchenbericht aufgeführten Schritten sind beigelegt.

Die folgenden Angaben des Anmelders wurden von der Recherchenabteilung genehmigt:

- ☒ Zusammenfassung
- ☐ Bezeichnung
- ☒ Abbildung
- ☐ Die Zusammenfassung wurde von der Recherchenabteilung abgeändert und der endgültige Wortlaut ist dieser Mitteilung beigelegt.
- ☐ Die folgende Abbildung wird mit der Zusammenfassung veröffentlicht, weil sie nach Auffassung der Recherchenabteilung die Erfindung besser kennzeichnet als die vom Anmelder angegebene.

Abbildung:

- ☒ Zusätzliche Kopie(n) der im europäischen Recherchenbericht aufgeführten Schritten.

RÜCKERSTATTUNG DER RECHERCHEGEBÜHR

Falls Artikel 10 Gebührenordnung in Anwendung kommt, ergeht noch eine gesonderte Mitteilung der Eingangsstelle hinsichtlich der Rückerstattung der Recherchegebühr.



EPO Form 1507 02.93



EINSCHLÄGIGE DOKUMENTE			
Kategorie	Kennzeichnung des Dokuments mit Angabe, soweit erforderlich, der maßgeblichen Teile	Betrifft Anspruch	KLASSIFIKATION DER ANMELDUNG (Int.Cl.6)
A	HENKEL R D: "Fast stereovision by coherence detection" COMPUTER ANALYSIS OF IMAGES AND PATTERNS. 7TH INTERNAT. CONF., CAIP '97 PROC., KIEL, GERMANY, 10-12 SEPT. 1997, Seiten 297-304, XP002094472 ISBN 3-540-63460-6, 1997, Berlin, Germany, Springer-Verlag * Absatz 2; Abbildung 2 *	1,7	G06T7/00 G06F7/02
A	WO 88 02518 A (BRITISH AEROSPACE) 7. April 1988 * Zusammenfassung *	1,7	
P,X	DE 197 35 414 A (FUJI ELECTRIC CO LTD) 19. Februar 1998 * Zusammenfassung; Abbildung 1 *	3 7	
A	US 5 515 448 A (NISHITANI KATSUO) 7. Mai 1996 * Zusammenfassung; Abbildungen 1,2 *	3,7	
A	WO 91 20054 A (IMAGING TECHNOLOGY INC) 26. Dezember 1991 * Zusammenfassung; Abbildung 1 *	3,7	
A	EP 0 725 357 A (CANON KK) 7. August 1996 * Zusammenfassung; Abbildung 1 *	4,5	
Der vorliegende Recherchenbericht wurde für alle Patentansprüche erstellt			
Recherchenort BERLIN		Abschlußdatum der Recherche 28. Mai 1999	Prüfer Jonsson, P.O.
KATEGORIE DER GENANNTEN DOKUMENTE X : von besonderer Bedeutung allein betrachtet Y : von besonderer Bedeutung in Verbindung mit einer anderen Veröffentlichung derselben Kategorie A : technologischer Hintergrund O : mündliche Offenbarung P : Zwischenliteratur T : der Erfindung zugrunde liegende Theorien oder Grundsätze E : älteres Patentdokument, das jedoch erst am oder nach dem Anmeldedatum veröffentlicht worden ist D : in der Anmeldung angeführtes Dokument L : aus anderen Gründen angeführtes Dokument & : Mitglied der gleichen Patentfamilie, übereinstimmendes Dokument			



GEBÜHRENPFLICHTIGE PATENTANSPRÜCHE

Die vorliegende europäische Patentanmeldung enthielt bei ihrer Einreichung mehr als zehn Patentansprüche.

- ☐ Nur ein Teil der Anspruchsgebühren wurde innerhalb der vorgeschriebenen Frist entrichtet. Der vorliegende europäische Recherchenbericht wurde für die ersten zehn sowie für jene Patentansprüche erstellt, für die Anspruchsgebühren entrichtet wurden, nämlich Patentansprüche:
- ☐ Keine der Anspruchsgebühren wurde innerhalb der vorgeschriebenen Frist entrichtet. Der vorliegende europäische Recherchenbericht wurde für die ersten zehn Patentansprüche erstellt.

MANGELNDE EINHEITLICHKEIT DER ERFINDUNG

Nach Auffassung der Recherchenabteilung entspricht die vorliegende europäische Patentanmeldung nicht den Anforderungen an die Einheitlichkeit der Erfindung und enthält mehrere Erfindungen oder Gruppen von Erfindungen, nämlich:

Siehe Ergänzungsblatt B

- ☒ Alle weiteren Recherchegebühren wurden innerhalb der gesetzten Frist entrichtet. Der vorliegende europäische Recherchenbericht wurde für alle Patentansprüche erstellt.
- ☐ Da für alle recherchierbaren Ansprüche die Recherche ohne einen Arbeitsaufwand durchgeführt werden konnte, der eine zusätzliche Recherchegebühr gerechtfertigt hätte, hat die Recherchenabteilung nicht zur Zahlung einer solchen Gebühr aufgefordert.
- ☐ Nur ein Teil der weiteren Recherchegebühren wurde innerhalb der gesetzten Frist entrichtet. Der vorliegende europäische Recherchenbericht wurde für die Teile der Anmeldung erstellt, die sich auf Erfindungen beziehen, für die Recherchegebühren entrichtet worden sind, nämlich Patentansprüche:
- ☐ Keine der weiteren Recherchegebühren wurde innerhalb der gesetzten Frist entrichtet. Der vorliegende europäische Recherchenbericht wurde für die Teile der Anmeldung erstellt, die sich auf die zuerst in den Patentansprüchen erwähnte Erfindung beziehen, nämlich Patentansprüche:



Europäisches
Patentamt

**MANGELNDE EINHEITLICHKEIT
DER ERFINDUNG
ERGÄNZUNGSBLATT B**

Nummer der Anmeldung

EP 98 12 2061

Nach Auffassung der Recherchenabteilung entspricht die vorliegende europäische Patentanmeldung nicht den Anforderungen an die Einheitlichkeit der Erfindung und enthält mehrere Erfindungen oder Gruppen von Erfindungen, nämlich:

1. Ansprüche: 1,2,7-17 (Teil)

Kohärenzdetektor mit Sortier- und Subtrahiereinrichtungen

2. Ansprüche: 3-6, 7-17 (Teil)

Kohärenzdetektor mit Fenster-Begrenzungs-, Rundungs- und Faltungseinrichtungen

**ANHANG ZUM EUROPÄISCHEN RECHERCHENBERICHT
ÜBER DIE EUROPÄISCHE PATENTANMELDUNG NR.**

EP 98 12 2061

In diesem Anhang sind die Mitglieder der Patentfamilien der im obengenannten europäischen Recherchenbericht angeführten Patentedokumente angegeben.

Die Angaben über die Familienmitglieder entsprechen dem Stand der Datei des Europäischen Patentamts am
Diese Angaben dienen nur zur Unterrichtung und erfolgen ohne Gewähr.

28-05-1999

Im Recherchenbericht angeführtes Patentedokument		Datum der Veröffentlichung	Mitglied(er) der Patentfamilie		Datum der Veröffentlichung
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			CN	1134564 A	30-10-1996

EPO FORM P0461

Für nähere Einzelheiten zu diesem Anhang : siehe Amtsblatt des Europäischen Patentamts, Nr.12/82